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and Third Party Defendant Sierra Design Group

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Case No. 3:06-CV-0483-ECR (RAM)

**REQUEST TO FILE DOCUMENTS UNDER
SEAL AND | ORDER**

BALLY GAMING, INC., a Nevada corporation
d/b/a BALLY TECHNOLOGIES,

Plaintiff and Counterdefendant,

vs.

IGT, a Nevada corporation,

Defendant and Counterclaimant.

IGT, a Nevada corporation,

Third Party Plaintiff,

vs.

SIERRA DESIGN GROUP, a Nevada
corporation,

Third Party Defendant.

REQUEST TO FILE UNDER SEAL

Plaintiff Bally Gaming Inc. (“Bally”) respectfully requests the Court allow Bally to file under seal the following documents:

- Sur-Reply in Support of Bally’s Opposition to IGT’s Amended Motion for Summary Judgment that the ‘916 Patent Is Invalid Based on the Prior Art “Topsy Turvy” Machine;
- Confidential Declaration of William Patrick Miller in Support of Sur-Reply; and
- Confidential Declaration of Todd Kennedy in Support of Sur-Reply

The Stipulated Protective Order Regarding Confidential and Privileged Information provides that, “To the extent that any Confidential or Highly Confidential Information is contained in, incorporated in, reflected in, described in, or attached to any document submitted to the Court, counsel shall file that submission under seal.” (See Docket Entry No. 54 at ¶ 12.) The Order defines “Confidential” material as any information that the designating party has a good faith belief to be non-public. “Highly Confidential” material is any information that the designating party has a good faith belief to be proprietary information, trade secrets, or other highly sensitive commercial or competitive information. (See *id.* at ¶¶ 3-4.)

For the foregoing reasons, Bally respectfully requests the Court to order that the aforementioned documents, along with all exhibits, shall be maintained under seal.

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2 Dated: May 5, 2008
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4 /s/

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14 Counterdefendant Bally Gaming, Inc. and
15 Third Party Defendant Sierra Design
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18 IT IS SO ORDERED

19 Dated: May 6, 2008.
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22 Hon. Robert A. McQuaid, Jr.
23 United States Magistrate Judge
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